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**UNITED STATES BANKRUPTCY COURT
 DISTRICT OF NEVADA**

In re:
 USA COMMERCIAL MORTGAGE COMPANY,
 Debtor.

Case No. BK-S-06-10725 LBR
 Case No. BK-S-06-10726 LBR
 Case No. BK-S-06-10727 LBR
 Case No. BK-S-06-10728 LBR
 Case No. BK-S-06-10729 LBR

In re:
 USA CAPITAL REALTY ADVISORS, LLC,
 Debtor.

Chapter 11

In re:
 USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,
 Debtor.

Jointly Administered Under
 Case No. BK-S-06-10725 LBR

In re:
 USA CAPITAL FIRST TRUST DEED FUND, LLC,
 Debtor.

**NOTICE OF HEARING OF MOTION
 TO EXCLUDE DEBTORS FROM
 HAVING TO FILE INTER-COMPANY
 CLAIMS AGAINST EACH OTHER BY
 THE BAR DATE, OR
 ALTERNATIVELY FOR THE
 APPROVAL OF THE IMMEDIATE
 APPOINTMENT OF SPECIAL
 COUNSEL TO FILE AND PURSUE
 THE INTER-COMPANY DEBTOR
 CLAIMS [AFFECTS ALL DEBTORS]**

In re:
 USA SECURITIES, LLC,
 Debtor.

Date: October 30, 2006
 Time: 9:30 a.m.

Affects:
☒ All Debtors
☐ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

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NOTICE IS HEREBY GIVEN that USA Commercial Mortgage Company, USA Securities, LLC, USA Capital Realty Advisors, LLC, USA Capital Diversified Trust Deed Fund, LLC, and USA Capital First Trust Deed Fund, LLC (collectively, the “Debtors”), by and through their counsel, have filed a Motion to Exclude Debtors From Having to File Inter-Company Claims Against Each Other by the Bar Date, or Alternatively for the Approval of the Immediate Appointment of Special Counsel for Diversified Fund and FTD Fund to File and Pursue the Inter-Company Debtor Claims (Affects All Debtors) (the “Motion”). The Motion requests that the Court exclude the Debtors from having to file inter-company claims against each other by the Bar Date (or that the Bar Date be extended without date for the filing of these claims), subject to the Debtors reporting to the Court at the October 19, 2006 hearing that all of the intercompany claims have been fully resolved in a Plan with the full agreement of the Committees, or, alternatively, if all intercompany claims are not fully resolved by October 19, 2006 with the full agreement of the Committees, that the Court approve the immediate appointment of special counsel for the USACM, FTD Fund and the Diversified Fund to file the inter-company claims at the hearing set on this motion on October 30, 2006.

Any opposition must be filed pursuant to Local Rule 9014(d)(1).

Local Rule 9014(d)(1): “Oppositions to a motion must be filed and service must be completed on the movant no later than fifteen (15) days after the motion is served except as provided by LR 3007(b) and LR 9006. If the hearing has been set on less than fifteen (15) days’ notice, the opposition must be filed no later than five (5) business days before the hearing, unless the court orders otherwise. The opposition must set forth all relevant facts and any relevant legal authority. An opposition must be supported by affidavits or declarations that conform to the provisions of subsection (c) of this rule.”

If you object to the relief requested, you *must* file a WRITTEN response to this pleading with the court. You *must* also serve your written response on the person who sent you this notice.

1 If you do not file a written response with the court, or if you do not serve your written
2 response on the person who sent you this notice, then:

- 3 • The court may *refuse to allow you to speak* at the scheduled hearing; and
- 4 • The court may *rule against you* without formally calling the matter at the
5 hearing.

6 A copy of the Motion may be obtained by contacting the office of Schwartzer &
7 McPherson Law Firm, telephone: (702) 228-7590 or fax: (702) 892-0122 or by accessing
8 PACER through the United States Bankruptcy Court website for Nevada at
9 www.nvb.uscourts.gov.

10 NOTICE IS FURTHER GIVEN that the hearing on the Motion may be continued without
11 further notice.

12 NOTICE IS FURTHER GIVEN that the hearing on the Motion will be held before a
13 United States Bankruptcy Judge, in the Foley Federal Building, 300 Las Vegas Boulevard South,
14 3rd Floor, Las Vegas, Nevada on October 30, 2006 at 9:30 a.m.

15 Respectfully submitted this 5th day of October, 2006

16
17 /s/ Lenard E. Schwartzer, Esq.

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